IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1754 OF 2006

1. Pitabas Harihar Panigrahy & 2 ors.] .. Petitioners

Versus

1. The State of Maharashtra & 4 ors.] .. Respondents

Mr. M.N. Dhamal for the petitioners.

Mr. Milind More, AGP, for the respondent No.1.

Mr. N.N. Bhadrashete for the respondents No.2 and 3.

CORAM: R.M. LODHA, &
SMT. NISHITA MHATRE, JJ.

DATED: 08TH JANUARY, 2007

P.C. :

. We heard the counsel for the petitioners. He does not dispute that recovery is being done by the concerned authority pursuant to the Recovery Certificate dated 28th October, 2005. If that be so, unless the petitioners challenge the Recovery Certificate dated 28th October, 2005 in appropriate proceedings available under the Maharashtra Cooperative Societies Act, 1960, the grievance of the petitioners that the recovery proceedings are illegal cannot be accepted.

2. Writ Petition has no merit and does not deserve to be admitted. It is dismissed in limine.

3. Needless to say, it is open to the petitioners to challenge the Recovery Certificate dated 28th October, 2005 in Revision under the Maharashtra Cooperative Societies Act, 1960 and if the said proceedings have become time barred, it is for the petitioners to show sufficient cause for condonation of delay in filing the Revision.

Sd/-
[R.M. LODHA, J.]

Sd/-
[SMT. NISHITA MHATRE, J.]